

STATE OF MICHIGAN
COURT OF APPEALS

PREDRAG PERIC,

Plaintiff-Appellee,

v

WENDY LEIGH PERIC,

Defendant-Appellant.

UNPUBLISHED

August 30, 2005

No. 259222

Wayne Circuit Court

LC No. 00-027426-DM

Before: Saad, P.J., and Hoekstra and Markey, JJ.

HOEKSTRA, J., (*dissenting*).

I respectfully dissent from the majority's determination that the custody decision in this matter must be reversed. As recognized by the majority, we review a trial court's findings of fact with respect to the statutory best interest factors to determine whether they are against the great weight of the evidence, and will sustain those findings "unless the evidence clearly preponderates in the opposite direction." *Foskett v Foskett*, 247 Mich.App 1, 5; 634 NW2d 363 (2001).

Giving the required deference to the trial court, especially with respect to judging the credibility of witnesses, see *id.* at 889-890, I cannot conclude that the court's findings on the various best interest factors mandate reversal. Nor do I find sufficient evidence of a "deep-seated favoritism" on the part of the trial court necessary to disturb its decision. *People v Wells*, 238 Mich App 383, 391; 605 NW2d 374 (1999); see also MCR 2.003(B)(1). Rather, I find that the trial judge properly considered the proofs and reached a reasoned decision wholly consistent with the evidence and the discretion afforded the trial court in matters of custody. *Foskett, supra* at 5. Accordingly, I would affirm the judgment of the trial court.

/s/ Joel P. Hoekstra